

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 4 and 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Fukushi; Claims 2-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Shore; Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Yuter; Claims 7 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Yutaka; Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of Cvacho; Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of JP 2000-326996 (hereinafter JP '996); and Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of Ashton. New Claim 18 has been added and thus, Claims 2-8 and 15-18 remain active.

Considering first then the rejection of Claims 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by Fukushi, it is to be noted that Claim 4, along with independent Claims 2 and 17, have now been amended to specify that a deformable wire-like member is attached exclusively along a lateral edge of the bag and is disposed exclusively along an upper portion of the bag. This clearly differs from Fukushi insofar as Fukushi requires the utilization of a wire along the upper edge of the bag in proximity with the opening of the bag to permit adequate closing of the same. Accordingly, it is clearly evident that the present invention requires fewer structural elements to accomplish the closure function in accordance with the present invention and thus permits a reduction in the number of parts necessary to properly function as compared with Fukushi. Furthermore, there is no teaching or disclosure in Fukushi of the possibility of removing the wire member along the opening at the upper portion of the bag and it is therefore submitted that modification of Fukushi to meet

Applicants' claimed invention would clearly not be obvious to one of ordinary skill in the art. In view of the foregoing and in view of the fact that none of the remaining references of record teach or disclose the limitations now set forth in Claim 4, it is submitted that such claim clearly patentably defines over the prior art of record. Claim 5, being dependent upon Claim 4, is also submitted to merit indication of allowability.

Considering next then the rejection of Claims 2-4 under 35 U.S.C. § 102(b) as being anticipated by Shore, it is noted that Claim 2 has been amended to claim the fact that the plastically deformable wire-like member is attached exclusively along the lateral edge thereof, that the vertical wire-like member is disposed along the lateral edge inside the folded back hem seal joint and is disposed exclusively along an upper portion of the bag. To the contrary, the object of Shore is to provide a self-supporting plastic container and such therefore requires a rod 30 and tubular member 25 along the entire length portion of the lateral corner portions of the plastic container to properly function. By comparison, the bag in accordance with the present invention requires a vertical wire-like member disposed exclusively along an upper portion of the hem seal joint of the bag in order to properly function since the object of the present invention is for sealing purposes of the opening rather than providing a self-supporting container in the manner taught by Shore. It is further submitted that insofar as the container is self-supporting in Shore, it would not be obvious to one of ordinary skill in the art to provide for the wire solely along an upper portion of the container. In view of this and in view of the above-noted comments regarding Claim 2 which also claims the fact that the vertical wire-like member is disposed exclusively along an upper portion of the bag, it is submitted that such claim, as well as Claim 3 dependent therefrom and all claims dependent upon Claim 4, patentably define over the above-noted references as well as the remaining references of record.

Next considering then the rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Yuter, the rejection of Claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Yutaka, the rejection of Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of Cvacho, the rejection of Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of JP '996, and the rejection of Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Fukushi in view of Ashton, it is submitted that Yuter, Yutaka, Cvacho, JP '996, and Ashton each fail to rectify the deficiencies noted herein above with regard to Fukushi and Shore. Accordingly, it is submitted that each of Claims 6, 7, 17, 8, 15 and 16 also merit indication of allowability with the same being hereby requested.

Applicants further note that new Claim 18 has been added the limitations of which are supported by the description appearing at page 25, lines 12-14 of the specification and Figure 14 of the present application. The advantageous affects obtainable by the limitations claimed in such claim are summarized as follows. The cutting guide 66 is provided across the open space 62 without intersecting with the heat sealed hems 23 (cf. page 25, lines 22-25 and Figure 14). According to the structure, cutting off of the bag by a tool becomes easier. It is further noted that the open space 62 has no vertical bar-like members 18 provided at the upper end of the bag such that, when the upper opening end 11 is closed and joined by forming a top seal along the opening edge, the entire width of the film is able to be closely joined together between the seal bars and to form a simple flat shape such that closing of the joint of the opening is ensured. In the situation where the vertical wire-like members exist, to the contrary, an area provided with the members thus protrudes and, accordingly, it is required to avoid such protrusions placement of the sealed bars, and a close joint around the vertical wire-like members otherwise difficult to obtain. Accordingly, the present invention is not accompanied by such inconvenience.

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In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

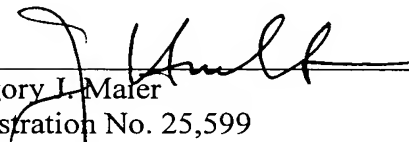
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